

ACTION AID-00

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RELEASED IN PART

B1, 1.4(D), B6

INFO	LOG-00	NP-00	CIAE-00	INL-00	DODE-00	WHA-00	SRPP-00
	DS-00	EB-00	EUR-00	VC-00	H-00	TEDE-00	INR-00
	VCE-00	AC-00	DCP-00	NSAE-00	NIMA-00	PA-00	ACE-00
	FMPC-00	SP-00	ECA-00	DSCC-00	PRM-00	DRL-00	NFAT-00
	SAS-00	/000W					

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P 022019Z JUN 04  
 FM AMEMBASSY CARACAS  
 TO SECSTATE WASHDC PRIORITY 6547  
 INFO AMEMBASSY BOGOTA PRIORITY  
 AMEMBASSY BRASILIA PRIORITY  
 AMEMBASSY LA PAZ PRIORITY  
 AMEMBASSY LIMA PRIORITY  
 AMEMBASSY LISBON PRIORITY  
 AMEMBASSY MADRID PRIORITY  
 AMEMBASSY MEXICO PRIORITY  
 AMEMBASSY QUITO PRIORITY  
 AMEMBASSY SANTIAGO PRIORITY  
 USINT HAVANA PRIORITY  
 USCINCSO MIAMI FL PRIORITY  
 NSC WASHDC PRIORITY

C O N F I D E N T I A L CARACAS 001880

NSC FOR CBARTON  
 USCINCSO ALSO FOR POLAD  
 USAID DCHA/OTI FOR REPORTER

E.O. 12958: DECL: 05/25/2014  
 TAGS: PHUM, PGOV, KDEM, VE  
 SUBJECT: STATUS OF CAPRILES AND SUMATE CASES

Classified By: POLITICAL COUNSELOR ABELARDO A. ARIAS FOR REASONS 1.4 (d  
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 SUMMARY  
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1. (U) Maria Corina Machado, of the electoral NGO Sumate told reporters June 1 that the hearing to charge her with treason and conspiracy had been rescheduled for the second time until June 10. Another Sumate leader, Alejandro Plaz, is scheduled to have his hearing June 2. On May 31, a Caracas court rejected a request from Baruta Mayor Henrique Capriles Radonski (Primero Justicia) for release pending trial. He has been held since May 11. He is being charged with allegedly

UNITED STATES DEPARTMENT OF STATE  
 REVIEW AUTHORITY: MELVIN E SINN  
 DATE/CASE ID: 24 JUN 2005 200404746

UNITED STATES DEPARTMENT OF STATE  
 REVIEW AUTHORITY: APPEALS REVIEW PANEL  
 CLASSIFICATION: CONFIDENTIAL REASON: 1.4(D)  
 DECLASSIFY AFTER: 25 MAY 2019  
 APPEAL ACTION: ORIGINAL DECISION UPHELD  
 REASON(S): B6, B1, 1.4(D)  
 DATE/CASE ID: 11 OCT 2007 200404746

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participating in the attack on the Cuban embassy during the April 2002 events. Both cases are clearly political and arbitrary, according to [REDACTED]

End Summary.

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Sumate  
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2. (U) Maria Corina Machado, one of the leaders of the NGO Sumate, told reporters June 1 that the hearing to charge her was postponed until June 10, to give her time to prepare her defense. Alejandro Plaz, the president of Sumate, will go before the judge June 2. The charges of treason and conspiracy stem from funding the group received from the National Endowment for Democracy (NED), which GOV officials have charged is a violation of Venezuelan sovereignty. The two were first called to appear on May 26 and 27 respectively, but the hearings were postponed until June 1 and 2.


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Henrique Capriles Radonski  
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3. (U) The seventh chamber of the Appeals Court of Caracas May 31 rejected the request by Primero Justicia (PJ) leader, and Mayor of Baruta, Henrique Capriles Radonski for release pending trial. Capriles' lawyers also attempted to have the case heard by another chamber, arguing that the members of the chamber were well known Chavez supporters who would not give Capriles a fair hearing. The request was denied, meaning Capriles now will spend an additional 25 days in detention.

4. (U) PJ president Julio Borges announced May 28 that the Inter-American Human Rights Committee (IACHR) had asked the GOV for information on the Capriles case. The IACHR Executive Secretary Santiago Canton, according to Borges, asked for information on the legal proceedings in the case, and the conditions under which Capriles was being held. Borges told reporters Capriles is being held in a room without light, without ventilation, and is unable to walk or exercise. Prosecutor Danilo Anderson has claimed that Capriles has 16 square meters of space, a bed, a TV and two fans, and thus is better off than most prisoners.

[REDACTED]

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6. (U) Capriles has been in custody since he appeared at a hearing on May 11 during which Anderson asked that he be held pending trial. The judge agreed, and ordered that he be held in the DISIP (political police) headquarters. Anderson first obtained a detention order March 16. At that time Capriles avoided detention by going into hiding, alleging lack of due process because Anderson would not let his lawyers see the charges. The Penal Chamber of the Supreme Court of Justice (TSJ) voided the March 16 order on March 31. The Penal chamber also ordered that another court hear the case and that Capriles' lawyers be allowed to see the charges.

7. (U) The Capriles case goes back to the April 2002 events. On April 12, 2002, after Chavez' removal from power, a group of people gathered in front of the Cuban embassy and began a violent protest.

asked him to come and help calm the situation (Note: the Cuban embassy is located in Baruta). According to the GOV, Capriles led the protests, and the Baruta police did nothing to protect the embassy.

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President Carter Talks to Chavez  
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Comment  
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